

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Star One S.A.)	File No. SAT-PPL-20071113-00159
)	Call Sign S2742
Petition for Declaratory Ruling to Add the)	
Star One C5 Satellite at 68° W.L. to the Permitted)	
Space Station List)	

ORDER ON RECONSIDERATION

Adopted: July 14, 2008

Released: July 14, 2008

By the Chief, Satellite Division, International Bureau:

1. In this Order, we grant the Andean Satellites Association's petition for clarification¹ of the International Bureaus' addition of the Star One C5 satellite to the Commission's Permitted Space Station List ("Permitted List").² The satellite is licensed by Brazil and is to be operated in C- and Ku-bands at the 68° W.L. orbital location. As a result of this action, two additional conditions are added to the Star One C5 Permitted List entry.

2. Star One's petition for declaratory ruling to add its C5 satellite to the Permitted List at the 68° W.L. orbital location went on public notice on December 7, 2007.³ We granted the unopposed petition on February 7, 2008, with conditions, including the following: "2. Communications between ALSAT-designated routine earth stations and the Star One C5 satellite shall be in compliance with the satellite coordination agreements reached between Brazil and other administrations." On March 13, 2008, the Andean Satellites Association filed a request for clarification, or, in the alternative, reconsideration of the Star One C5 grant. Star One filed an opposition on March 26, 2008.⁴

3. In its request, the Andean Satellites Association asks that the International Bureau add two additional conditions to the Star One C5 grant of access. The requested conditions address the situation in which, in the absence of a coordination agreement, a satellite network with higher ITU filing-date priority than Star One C5 goes into operation, and Star One C5's operations interfere with the

¹ Colombia filed the request on behalf of the Andean Satellites Association and indicated that the Andean Satellites Association belongs to the Andean Community of Nations, which includes: Bolivia, Colombia, Ecuador, and Peru. Colombia acts as the International Telecommunication Union (ITU) Notifying Administration for the Andean Satellites Association.

² See Star One C5 Petition for Declaratory Ruling, File No. SAT-PPL-20071113-00159, grant stamp, dated February 7, 2008. Public Notice, Report No. SAT-00502, DA 08-394 (February 15, 2008).

³ See Public Notice, Report No. SAT-00487 (December 7, 2007).

⁴ See also Letter from Joaquin Restrepo, International Affairs Advisor, Ministry of Communications, Republic of Colombia, to Kevin J. Martin, Chairman, FCC (May 15, 2008); Letter from Daniel Mah, Counsel for Star One, to Marlene H. Dortch, Secretary, FCC (June 4, 2008); Letter from Carlos Adiazola K., Counsel for the General Secretariat of the Andean Community, to Marlene H. Dortch, Secretary, FCC (June 24, 2008).

operations of the higher priority space station.⁵ We note that the Andean Satellites Association has an ITU filing for its SB2 network, to operate in the Ku-band at the 67° W.L. orbital location, which expires on September 17, 2010. The Andean Satellites Association indicates that it did not participate in the Star One C5 proceeding earlier because it expected, consistent with precedent, that such a condition would be adopted. The Andean Satellites Association also indicates its view that the additional language requested is nothing but the necessary consequence of the conditions already adopted by the Commission.⁶

4. Star One argues that the Commission has imposed similar conditions on grants of access to the U.S. Market only when a party has timely filed a request to impose such a condition.⁷ Star One indicates that the petition should be denied or the request should be held in abeyance until (a) the Andean Satellites Association submits a request for U.S. market access, and (b) it is clear that the higher priority SB2 satellite network will be brought into use in time to preserve the Andean Satellites Association's ITU date priority at 67° W.L.

5. We will modify the entry for the Star One C5 satellite in the Permitted Space Station List to include the conditions requested by the Andean Satellites Association. The requested conditions are consistent with Commission policy.⁸ In light of this policy, the inclusion of these conditions may be viewed as unnecessary in ordinary circumstances. Based on the request for reconsideration, the opposition, and subsequent presentations by the parties, however, we find that the public interest would be served by removing any uncertainty as to the applicability of Commission policy in this case. Star One C5 may seek removal of these conditions upon completion of coordination or in the event that the Andean Satellites Association does not bring a higher priority satellite network into use at the 67° W.L. orbital location.

6. Accordingly, IT IS ORDERED that the grant of Star One S.A.'s petition for declaratory ruling to place the Star One C5 satellite (Call Sign S2742) on the Permitted Space Station List, dated February 7, 2008, is modified to add the following two conditions:

(a) In the absence of a coordination agreement with a satellite network with higher ITU date priority, Star One C5 must cease co-frequency service to the U.S. market immediately upon launch and operation of the higher ITU-priority space station, or be subject to further conditions designed to address potential harmful interference to a space station with ITU date precedence.

(b) In the absence of a coordination agreement with a satellite network with higher ITU priority, U.S.-licensed earth stations communicating with Star One C5 must immediately terminate any operations that cause harmful interference to the higher priority space station.

FEDERAL COMMUNICATIONS COMMISSION

Robert G. Nelson
Chief, Satellite Division
International Bureau

⁵ Andean Satellites Association Request at 1-2.

⁶ Andean Satellites Association at unnumbered 3. The Andean Satellites Association cites Loral SpaceCom Corp., 18 FCC Rcd 16374 (Int'l Bur. 2003), to support its request. In that proceeding the Commission in similar circumstances adopted such conditions.

⁷ Star One Opposition at 2-3.

⁸ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, 18 FCC Rcd 10760, at 10870-10871, ¶ 296 (2003).